IN THE CHIEF COURT OF MYSORE AT BANGALORE.

The 25th September 1905.

The following Rules for regulating the practice of the Chief Court on the subjects noted in the margin are issued in supersession of all previous rules on the same subjects.

a. Criminal Appeals and Applications.
b. Civil Appeals and Applications.
c. Disposal of work.
d. Hearing
e. Hours of business.
f. Process serving fees and Printing charges.
g. Return of documents.
h. Translations.
i. Vakalatnamas.

(*a*) CRIMINAL APPEALS AND APPLICATIONS.

All Criminal appeals and applications presented to the Deputy Registrar through the clerk deputed for receiving the same, or received from persons under duress, shall be checked by the Criminal clerk to see if all the necessary requirements have been complied with and, if found correct, they will be entered in the appropriate register and brought up for admission; but if they are in any way defective, they will be submitted to the Admission Judge for orders. Criminal appeals and applications as well as Referred cases will be posted to the earliest convenient date.

(*b*) CIVIL APPEALS AND APPLICATIONS.

2. All appeals* and applications of a Civil nature must be presented to the Deputy Registrar, through the clerk deputed for receiving them.

3. No memorandum of appeal or application will be received which is not drawn up and signed by an Advocate, or by the appellant or petitioner, or by his recognized agent, as defined in Section 37 of the Code of Civil Procedure.

4. Every memorandum of appeal, petition, affidavit, application, memorandum or list of documents, copy of a document or other paper presented to or filed in the Chief Court except documentary evidence, shall be fairly and legibly written or printed, or partly fairly and legibly written and partly printed on a special white paper to be had at all Government Treasuries at three pies per sheet, with an inner margin about an inch wide and an outer margin about two inches and half wide, and made up as nearly as may be in the form in which the records are now printed for the Chief Court, the writing or printing to be on both sides of the paper and numbers being expressed in figures.

5. All memoranda of Regular appeals shall be in the Form No. 173, Schedule IV, Civil Procedure Code.

6. All memoranda of Second appeals shall be in the following form:—

MEMORANDUM OF SECOND APPEAL.

In the Chief Court of Mysore, S. A. No. of 19 .
In the District Court of Appeal No. of 19 .
In the Munsiff or Sub-Judge's Court of O. S. No. of 19 .

	In the Court of First Instance.	In the Lower Appellate Court.	In the Chief Court.
A. B.	Plaintiff.	Appellant.	Appellant.
	Versus.		
C. D.	Defendant.	Respondent.	Respondent.

*On the presentation of an appeal or application of a Civil nature, it will be the duty of the clerk receiving the same, to examine the stamps carefully and note on the petition or application the name of the person presenting the same, and the date of presentation, and enter the same in the General Register, giving it a serial number. The register will be closed at 4 P. M., and taken daily to the Deputy Registrar, who will date and initial the same. The Civil clerk deputed for the work shall attach to the appeal or petition presented a certificate as to whether or not it is presented in the form and within the time prescribed by law, and is accompanied by proper enclosures and a memorandum of valuation, giving clear particulars for calculating the stamp duty payable thereon, and is stamped as required by law. If found correct, the appeal or application will be entered in the appropriate Register and brought up for admission.

2. After an appeal or application has been admitted, the Registrar will fix a date for its hearing and issue notice in the prescribed form.

3. In fixing the date with reference to the current business in the Court, no second appeal should be posted for hearing in less than six weeks from the date of admission and no regular appeal in less than two months, except when otherwise specially ordered by the Court. All Applications for revision or of a miscellaneous nature and all References will be posted to the earliest convenient date.

A. B. begs to prefer this Second appeal to the Chief Court of Mysore from the decree ssed by the District Judge of , in Appeal No. of confirming (or reversing or modifying as the case may be), the decree of the Munsiff (or Sub-Judge) of in O. S. No. of for the following reasons :—

(Here enter the grounds of appeal).

Dated this

(Signature of Appellant or his Advocate.)

7. Applications under Section 622 of the Code of Civil Procedure should state clearly in what respect the Lower Court has exercised a jurisdiction not vested in it by law or failed to exercise jurisdiction so vested or what illegality or material irregularity there has been in the exercise of its jurisdiction.

8. No memorandum of appeal, or petition, or application, shall be received by the Deputy Registrar, unless it is presented by the party in person or by an Advocate, or by a duly registered gumasta of an Advocate.

9. All memoranda of appeal and applications insufficiently stamped will be returned, a time being fixed for making good the deficiency.

10. Appeals and applications re-presented as also memoranda with which deficient Court-fees are produced shall, if they are re-presented or produced after the time allowed by the Court, be presented to the Registrar in the first instance for obtaining the orders of the Court thereon.

11. Every memorandum of appeal from a decree must contain a note showing how the valuation of the appeal has been made under the Court-fees Regulation. Any memorandum of appeal which does not give the particulars of valuation will be returned for the same being stated within a time to be fixed.

12. All appeals or applications presented after the time prescribed by law must be accompanied by an explanation of the delay, supported by an affidavit. The statement of the cause of delay should be made in the memorandum of appeal or application.

13. Appeals not accompanied by copies of the judgment and decree of the Lower Court and a vakalathnama for the appellant (when presented by an Advocate) will be returned.

14. A Register of Appeals, etc., returned for amendment, or in accordance with the foregoing rules, will be kept in the following form :—

Serial No.	Whether appeal or petition	Name of appellant or petitioner	By whom presented and date of presentation	Substance of order and date	Signature of the party or Advocate or Advocate's gumasta receiving back the appeal, etc.	Initials of the Dy. Registrar

15. When an appeal is from the decree or order of an Appellate Court, the Court may direct the appellant to produce copies of the judgment and decree or order of the Court of first instance, and specify the time within which the same should be produced.

16. In every appeal and application, the provision of the law under which it is presented should invariably be specified and appeals and applications which do not conform to this rule will be returned. In the case of appeals under Section 588 of the Civil Procedure Code, the sub-section should also be specified.

17. When an appeal against an order or against an appellate order is presented to the Court, a copy of the application on which the order appealed against was passed shall also be produced, unless the copy of the order or appellate order itself furnishes sufficient information as to the nature of the case.

18. Where the Court of first instance or the Lower Appellate Court has reviewed its judgment, parties should produce copies of both the primary and the revised judgment.

19. When the application for review is rejected and the appeal is from the original judgment and decree, a copy of the order rejecting the application need not be presented with the memorandum of appeal. In such cases the date on which the application for review was presented and the date on which it was rejected should be stated in the memorandum of appeal.

20. After the appeal has been filed, every application by an appellant for leave to file a memorandum of additional grounds of appeal shall be made in writing, ten clear days before the day of hearing, and when granted, the appellant shall not, without the leave of the Court for special cause, be heard in support of such ground or grounds, unless he shall have served a copy thereof on the respondent or his Advocate eight clear days before.

21. When an issue is referred for trial and the finding of the Lower Court is received, a notice will be affixed to the Notice Board of the Chief Court and any Memo of Objections against such findings must be filed within a fortnight from the date on which the notice was affixed to the Notice Board.

22. When a memorandum of objections is filed by a respondent under Section 561, or when objections are taken to findings under Section 567, Civil Procedure Code, the party filing such objections shall certify thereon to the Court that due notice of the same has been given to the other side.

23. Such notice may be sent by the party or his Advocate to the opposite party or the Advocate representing him by post under a registered cover.

24. No appeal or application of a Civil nature will be received during the vacation, except in cases where it is sought to obtain an injunction or an attachment or to stay proceedings.

25. Application for stay of execution must be separately engrossed on proper stamp and presented for orders. A prayer in that behalf embodied in the appeal memorandum will not be attended to.

26. When an application for security under Section 549 of the Civil Procedure Code is made, the petition shall specify the amount of security sought with reasons.

(*c*) DISPOSAL OF WORK.

27. The powers vested in the Chief Court may be exercised by one of the Judges of the said Court under Section 19 of the Chief Court Regulation, 1884, in the following cases :—

(1) Revision of Calendars and Proceedings of any Criminal Court submitted to the Chief Court under Rule of Practice No. 58, dated 1st September 1892.
(2) Applications for suspension of sentence or for release of accused on bail, pending disposal of appeal or application for revision.
(3) Proceedings and reports submitted for orders under Sections 123 and 124 of the Criminal Procedure Code.
(4) Disposal of questions referred under Section 185 of the Criminal Procedure Code.
(5) Orders under Sections 427, 498 and 526 of the Criminal Procedure Code.
(6) Orders under Section 505, Civil Procedure Code.
(7) Enquiry under Section 593, Civil Procedure Code.
(8) Applications for stay of execution of decrees, or for stay of further proceedings, pending disposal of appeal.
(9) Admission of petitions and appeals, Civil or Criminal.
(10) Applications for transfers of cases from one Court to another, under Section 25 of the Civil Procedure Code.
(11) Applications for enrolment as Pleaders.
(12) Orders under the Mysore Prisoners' Testimony Regulation, 1894. Provided that it shall be competent for the Judge, before whom any application may be posted for hearing, at any time before he shall have determined the same, to refer it for hearing and determination by a Bench of two Judges.

And provided also that, if an order is made *exparte* by a single Judge, it shall be competent for that Judge to revise and alter it, after hearing both parties.

And provided further that it shall always be competent for a Bench, consisting of two other Judges of the Chief Court, or for the Full Bench of the said Court, upon its own motion or upon the application of any party, to revise and alter any order which may be passed by a single Judge.

28. The powers vested in the Chief Court by Sections 13, 15, 18 and 19 of the Mysore Legal Practitioners' Regulation III, of 1884, may be exercised by a Bench of two Judges of the said Court.

29. The Chief Court may delegate to one or more of its Judges the power to make the enquiry into the alleged misconduct of any Munsiff referred to in Section 20 of the Mysore Civil Courts Regulation, 1883, and to submit the record of such enquiry, together with the report or opinion of the Judge or Judges appointed to conduct the enquiry, for the consideration and orders of the Full Bench of the Chief Court.

(*d*) HEARING.

30. All cases set down in the Cause List for hearing before a Bench will, as far as practicable, be heard and disposed of the same day, and such of them as have to be adjourned at the end of the day for want of time, will be heard at the following sitting of the same Bench unless the Court otherwise directs.

(*e*) HOURS OF BUSINESS.

31. All applications and petitions of appeal will be received in the Registrar's Office between the hours of 11 A.M., and 4 P.M., on all days of the week, except Sundays and close holidays.

(f) PROCESS SERVICE FEES AND PRINTING CHARGES.

32. When an order has been made declaring an appeal admitted, it shall be the duty of the appellant or of his Advocate to deposit in the office, the Court-fees required for the service of the notices on the respondents and the fees required for printing the proceedings in the appeal within 7 days from the date of call by a notice affixed to the notice board.

33. The fees for the service of notices on the respondents must be paid in the form of Court-fee labels, and the Court-fee labels must be attached to a memorandum (written on a half sheet of paper) setting out clearly the name (or names) and the residence of the respondent (or respondents).

34. The fees for printing the proceedings must be paid in cash.

35. When an appellant or his Advocate has failed to pay into the office, within the prescribed period, the fees required for the service of notice on the respondent or the fees required for the printing of the proceedings, the appeal or appeals shall be posted for the orders of the court, and if, on its or their being so posted, for the orders of the Court, the appellant or his Advocate fails to satisfy the Court that there was just and reasonable excuse for omitting the pay the required fees in time the appeal or appeals shall be struck off the file.

36. The rules relating to the printing of the record and the charges therefor are as follows:—

(1) In all First appeals, in which the value of the suit is above Rs. 300, the paper book shall contain the following documents or translations in English:—

(i) The plaint and written statement.
(ii) The Judgment and Decree of the Lower Court.
(iii) Notes of evidence.
(iv) The grounds of appeal.
(v) The grounds of objection, (if any), taken by respondent.

(2) In all Second appeals, in which the value of the suit is above Rs. 300, the paper book shall contain the following papers or translations of them, if they are not in English:—

(i) The Judgment and Decree of the Court of first instance.
(ii) The Judgment and Decree of the Lower Appellate Court.
(iii) The grounds of Second appeal.
(iv) The grounds of objection (if any) made by respondent.
(v) Notes of evidence (when the findings are not concurrent).

(3) The Advocate of either party shall give a list to the Registrar, within fifteen days after the arrival of the record, of such of the documents and depositions on which he intends to rely in support of his case. Such papers shall be printed in the book at the cost of the party applying for the same.

The time for delivery of such list may be extended, on application, if the Court be satisfied that there is reasonable ground for such application.

(4) The Registrar shall cause the book to be printed, and the cost of printing shall be deposited by the appellant.

(5) Each of the parties shall be entitled to two copies.

(6) The cost of printing shall be included as costs in the case.

(7) Any party may have any number of extra copies, at cost price, provided he gives notice of the number required before the book is printed.

(8) In all other cases, the record shall be printed only on the special application of either party and at his own expense, in which case the cost of printing shall not be included in the table of costs appended to the decree.

(g) RETURN OF DOCUMENTS.

37. All applications for the return of documents filed in any appeal or proceeding shall be disposed of by the Registrar.

(h) TRANSLATIONS.

38. The appellant or his Advocate shall file, with the memorandum of appeal, a list of the documents, or the portions thereof, which he desires to have translated for the information of the Court at the time of the hearing of the appeal.

39. A respondent shall file a list of documents or portions thereof which he desires to be translated, within fifteen days from the date on which notice of appeal has been served on him.

40. The document which is relied on as a ground of appeal or of objection (Section 561, C. P. C.) should be translated.

41. All exhibits on which the decision of the Lower Court is based and all documents alleged to have been misconstrued will be translated as a matter of course.

42. Except as provided in Rules 40 and 41 no party shall be entitled, without the permission of the Court, to have any document translated by a Court Translator.

(*i*) VAKALATNAMAS.

43. No Advocate of the Court will be heard, unless he has produced before the hearing a vakalatnama* authorizing him to appear and plead in the case.

44. Every vakalatnama must be authenticated by an approved public functionary, except where an Adovcate certifies that the vakalat has been signed by his client in his presence and that the client is personally known to him.

45. Before a vakalatnama is filed, the word "accepted" should be noted and the endorsement signed by the Advocate.

46. Vakalatnamas filed should state clearly the names and description (as in the record) of the parties.on whose behalf the Advocates appear.

V. A. RAJARATNA MUDALIAR,
Registrar.

* The Government of Mysore has remitted the whole of the Court fee payable under Article 10, Schedule II of the Court Fees Act, VII of 1870, on vakalatnamas presented by Barristers-at-law of any of the Inns of Court in England or Ireland, or any member of the faculty of Advocates in Scotland duly enrolled as an Advocate of the Chief Court. (Government Notification No. 110, dated 15th August 1884).

FOREST DEPARTMENT.

SANDALWOOD AUCTION SALE.

Notification dated 16th August 1905.

It is hereby notified for general information that the annual auction sales of sandalwood of the Mysore State will be held at the undermentioned places on the dates specified against each by the Deputy Commissioner or other officer deputed by the Deputy Commissioner and the Forest Officer of the District :—

District	Koti	Date of auction	Approximate quantity in tons	Remarks
Shimoga ...	Tirthahalli ...	14th November 1905	200	Includes Kadur District wood.
Do ...	Sagar ..	18th do ...	200	
Do ...	Shimoga ...	22nd do ..	370	Includes Chitaldrug & Kadur District wood.
Kadur ...	Tarikere ...	25th do ...	150	
Do ..	Chikmagalur ...	28th do ...	350	
Hassan ...	Hassan ...	2nd December 1905	200	
Bangalore ...	Bangalore ...	6th do ...	130	Includes Kolar and Tumkur District wood.
Mysore ...	Seringapatam ...	9th do ...	250	
Do ...	Hunsur ...	12th do ...	450	
		Total ...	2,300	

2. Details as to quantities and lots to be exposed for sale in each koti with other particulars will be published hereafter about the end of October following.

M. MUTHANNAH,
Consvr. of Forests in Mysore.

Dated 11th September 1905.

Notice is hereby given that a sum of Rs. 1-15-6, being the travelling allowance due to one Krishnasami, late peon of the Kolar District Forest Office, remains undisbursed in the said office.

The said Krishnasami or his legal representatives should apply to the undersigned for the said amount within three months from this date, failing which it will be credited to Government.

S. A. BAPU RAO,
Dt. Forest Officer, Kolar.